

United States District Court

DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Ian Freeman

CASE NUMBER: 1:21-cr-000041

**DEFENDANT’S OBJECTIONS AND REQUESTS FOR ADDITIONS TO
PROPOSED JURY INSTRUCTIONS**

NOW COMES the Defendant, Ian Freeman, and Objects in part to some of the proposed jury instructions and requests additions to the proposed jury instructions.

1. The Defendant objects to the conclusionary comment that “funds” includes bitcoin. And that “sending bitcoin from one bitcoin wallet address to another bitcoin wallet address constitutes transferable funds.” (See page 2 of the United States Government’s Proposed Jury Instructions). The Defendant contends that no testimony has been adduced that would support the instruction and that the Eastern District of Michigan case cited is not controlling in this district.
2. For the same reasons as above, the Defendant moves to strike the phrase “As I have already instructed, the term ‘funds’ includes bitcoin”’. (See last paragraph, page 3 of the United States Government’s Proposed Jury Instructions). That instruction is based on the statute that went into effect after the acts alleged in the indictment charging Mr. Freeman. Additionally, the Defendant moves to strike the first full sentence on page 4 starting with “again” and ending with “person”. No evidence has been

adduced to allow for that act and there is no 1st Circuit case law to support such a contention.

3. Defendant moves to strike the language set forth in the first paragraph on page 9 of the United States Government's Proposed Jury Instructions as it relies on case law that was established after January 1, 2021. Mr. Freeman was charged with acts that preceded the statute and definitions therein. Additionally, the 1st Circuit has not addressed this issue.
4. The Defendant moves to strike the language set forth in paragraph 1 on page 10 of the proposed instructions starting with "in this regard" and ending with "should be caught". It is confusing and may mislead a jury. The Defendant also requests that the jury should consider whether the Defendant intentionally refused to engage in the illegal act that was invited as such a refusal would be consistent with innocence.
5. The Defendant requests that that this court instruct fully on tax evasion counts as set forth in the pattern instructions from the 1st circuit from 2015. (4.26.7201, 2015)

Respectfully Submitted,

December 15, 2022

Date

/s/ Mark L Sisti

Signature

Mark L. Sisti

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CERTIFICATION

I hereby certify that a copy of this objection was forwarded to Seth Aframe, Esq. and Georgiana MacDonald, Esq of the U.S. District Attorney's Office, electronically through EFC on December 15, 2022.

December 15, 2022

Date

/s/ Mark L Sisti

Signature

Mark L. Sisti

Print Name